

# SENATE BILL 1032

M2

2lr3198

---

By: **Senator Klausmeier**

Introduced and read first time: February 23, 2012

Assigned to: Rules

Re-referred to: Education, Health, and Environmental Affairs, March 7, 2012

---

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 23, 2012

---

## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Natural Resources – ~~Fish and Fisheries~~ Technical Advisory Group – Gill Nets**

3 FOR the purpose of ~~prohibiting the use of gill nets for catching finfish within the~~  
4 ~~State; authorizing the Department of Natural Resources to use gill nets for~~  
5 ~~biological purposes; making conforming changes; and generally relating to~~  
6 ~~prohibiting~~ requiring the Department of Natural Resources to establish a  
7 technical advisory group on the use of gill nets; requiring the Secretary of  
8 Natural Resources to select the members of the technical advisory group;  
9 requiring the technical advisory group to be composed of certain numbers of  
10 certain individuals; requiring the technical advisory group to make certain  
11 recommendations and to submit the recommendations to the Secretary on or  
12 before a certain date; requiring the Secretary to consider the adoption of certain  
13 regulations based on certain recommendations; providing for the termination of  
14 this Act; and generally relating to the use of gill nets.

15 ~~BY adding to~~

16 ~~Article – Natural Resources~~

17 ~~Section 4-709~~

18 ~~Annotated Code of Maryland~~

19 ~~(2005 Replacement Volume and 2011 Supplement)~~

20 ~~BY repealing and reenacting, with amendments,~~

21 ~~Article – Natural Resources~~

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~Section 4-710, 4-714(d)(2), 4-718(b), 4-719(e) and (e), 4-723(b), 4-725, and  
4-730~~

~~Annotated Code of Maryland  
(2005 Replacement Volume and 2011 Supplement)~~

~~BY repealing~~

~~Article — Natural Resources  
Section 4-721(e) and 4-728(e)  
Annotated Code of Maryland  
(2005 Replacement Volume and 2011 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
MARYLAND, That ~~the Laws of Maryland read as follows:~~

~~Article — Natural Resources~~

~~4-709.~~

~~NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, THE  
DEPARTMENT MAY USE GILL NETS FOR BIOLOGICAL PURPOSES.~~

~~4-710.~~

~~(a) A person may not catch finfish for any purpose in the tidal waters of the  
State by use of any gig, gig iron, purse net, GILL NET, beam trawl, otter trawl,  
trammel net, troll net, or drag net. Any person who violates this section by catching  
fish with any of the equipment or devices referred to in this subsection, with the  
exception of a gig or gig iron, is guilty of a misdemeanor and upon conviction is subject  
to a fine not exceeding \$1,000 or imprisonment not exceeding one year, or both, with  
costs imposed in the discretion of the court. Any person who illegally catches fish with  
a gig or gig iron is subject to the penalties provided by this title.~~

~~(b) An appropriately licensed person may fish in the waters of the Atlantic  
Ocean with an otter trawl or beam trawl, subject to Department rules and regulations,  
if the person is at least one mile from the shoreline. The Department rules and  
regulations shall include:~~

~~(1) Setting seasons when otter trawl or beam trawl fishing is  
permitted; and~~

~~(2) Enumerating the species of fish which may be taken.~~

~~(c) (1) A person may not fish with any net whose size of stretched mesh,  
allowing a reasonable tolerance for shrinkage, is less than the following: pound net, 1  
1/2 inches; haul seine, 1 1/2 inches; [gill net, 2 1/2 inches;] fyke or hoop net, 1 1/2  
inches.~~

1           ~~(2) Any hedging or lead attached to a fish trap, fyke net, or pound net~~  
2 ~~shall be constructed of materials which have meshes having a twine size of #12 or~~  
3 ~~larger.~~

4           ~~(3) [In the Chesapeake Bay and its tributaries, a person may not set~~  
5 ~~or fish any gill net whose size of stretched mesh is more than 6 inches.~~

6           ~~(4)] This subsection does not apply to catching eels with a net.~~

7           ~~(d) (1) [Except as provided in paragraphs (2) and (3) of this subsection, a~~  
8 ~~person may not install, set, operate, or maintain in any tidal water of the Chesapeake~~  
9 ~~Bay or its tributaries any monofilament gill net webbing of any description to catch~~  
10 ~~fish.~~

11           ~~(2)] A person may use a monofilament cast net or a monofilament~~  
12 ~~throw net to catch baitfish in any tidal water of the Chesapeake Bay or its tributaries.~~

13           ~~[(3)] (2) In casting a monofilament net as provided under paragraph~~  
14 ~~[(2)] (1) of this subsection, a person:~~

15                   ~~(i) May not use a cast net that has a radius greater than 10~~  
16 ~~feet; and~~

17                   ~~(ii) May cast a cast net only by hand.~~

18           ~~(e) A person may not set any [anchored gill net or] fyke or hoop net or any~~  
19 ~~line of these nets which has a length more than one third the distance across the~~  
20 ~~waters of the bay, sound, river, creek, cove, or inlet where it is set, or is set so that it~~  
21 ~~impedes or obstructs navigation on or blocks in any way the main channel of the bay,~~  
22 ~~sound, river, creek, cove, or inlet. The outer end of the submerged gear of any nets~~  
23 ~~referred to in this subsection shall be marked by means of a paddle, a board, or a buoy~~  
24 ~~or other floating device which shows the name and license number of the net owner.~~

25           ~~(f) A person may not haul any seine or net more than one third of the~~  
26 ~~distance across the body of water, bay, sound, river, creek, cove, or inlet.~~

27           ~~(g) A person may take or shoot carp, garfish, skate, bullfish, shark, oyster~~  
28 ~~toads, swelling toads, sting rays, or any other ray fish with bow and arrow, except a~~  
29 ~~crossbow, and snag these fish by means of hooks in the tidal waters of the State under~~  
30 ~~the supervision, regulation, and control of the Department. This subsection only~~  
31 ~~applies to the fish referred to in it.~~

32           ~~(h) A person may not catch or attempt to catch finfish by the use of any~~  
33 ~~stationary fishing gear, or set an anchor or mooring buoy, or in any way obstruct the~~  
34 ~~normal taking of finfish by drift net from December 1 through April 1.~~

~~This subsection applies only to waters more than 50 feet in depth in the Chesapeake Bay south of the William Preston Lane, Jr., Memorial Bridge and is not applicable to any Chesapeake Bay tributaries. This provision does not apply to any designated anchorage in existence on July 1, 1975. The Department has the authority to permit exceptions to this section by regulations when it can be shown that the obstruction will not interfere with a useable fishing reach.~~

~~(i) (1) Except in State waters in the Atlantic Ocean, a person may not use more than 2 hooks or 2 sets of hooks for each rod or line.~~

~~(2) For the purposes of this subsection, artificial lures or plugs with multiple or gang hooks are considered 1 set of hooks.~~

~~4-714.~~

~~(d) (2) A person may not set any net at any time except [a gill net or] a haul seine in any creek, cove, tributary, or inlet of the South River.~~

~~4-718.~~

~~(b) A person may set a licensed haul seine [and gill net] at a distance greater than one third the distance across a river, creek, cove, or inlet in any of the tributary waters of Charles County only to catch carp and catfish, notwithstanding any other section of this subtitle. A person may not set the net to impede or obstruct navigation or block in any way the main channel of the river, creek, cove, or inlet. Any person who catches fish of a variety other than carp or catfish in any net shall return them immediately to the water unharmed. A person always shall attend a net for catching carp or catfish. Any person whose net is found more than one third the distance across the waters where it is set without a person in attendance is guilty of violating this subsection. The provisions of this subsection do not apply from March 1 through April 30 and September 1 through November 30 in each year.~~

~~4-719.~~

~~(e) A person may not set [a gill net in the waters of Fishing Bay or Transquaking River north of a line drawn from Blackwater Point to Irish Creek, up the Transquaking River to Destroys Creek, or set] any net whose farther end extends more than 1200 feet from shore or more than one third the breadth of the water at the place where the net is fished, or closer than 600 feet of another net in the Transquaking or Chicamacomico River. A person may not set any net whose farther end extends more than one half the breadth of the water at the place where the net is fished or closer than 600 feet of another net in the waters of the Transquaking River above Decourey Bridge or placed in or across the channels of these rivers. In the waters of Fishing Bay south of a line drawn from Blackwater Point to Irish Creek and north of a line drawn from Roasting Ear Point to the northwesterly most point of the entrance to Duck Island Cove, a person may not set any weir more than 1200 feet from shore[, or set any gill net or weir closer to each other than 1200 feet, or set any row of~~

~~1 gill nets more than 1200 feet in length]. A person may not set any weir beyond a depth  
2 of 18 feet in the waters of Fishing Bay south of the line from Roasting Ear Point to the  
3 northwesterly most point of the entrance to Duck Island Cove.~~

~~4 (e) A person may fish only with hook and line[,] OR eel pot[, or gill net with  
5 at least a three inch mesh] in the following waters:~~

~~6 (1) Cabin Creek above a line drawn from the residence of Joseph Fra  
7 in a northeasterly direction to the residence on the opposite side on what is known as  
8 the Travers Farm;~~

~~9 (2) Warwick River above a line drawn from the east end of a sand bar  
10 extending from the Hughlett Farm in a northerly direction across the river to the  
11 nearest point of marsh on Warwick Manor; and~~

~~12 (3) Goose Creek and Indian Creek.~~

~~13 4-721.~~

~~14 [(c) (1) A person may not set or maintain a commercial drift gill net, stake  
15 gill net, or anchor gill net so that any portion of the net is closer than 500 feet from  
16 any portion of any other commercial drift gill net, stake gill net, or anchor gill net in  
17 the designated striped bass spawning area of the Susquehanna River north of Concord  
18 Point and Stump Point.~~

~~19 (2) South of the line outlined, in paragraph (1) of this subsection, to  
20 Bears Point and Turkey Point, a person may set a commercial drift gill net only as  
21 provided in paragraph (1) of this subsection and may set and maintain a stake gill net  
22 or anchor gill net only as provided in paragraph (1) of this subsection.]~~

~~23 4-723.~~

~~24 (b) A person may not set a fish trap, net, or haul seine in the waters of St.  
25 Catherine's Sound in St. Mary's County. [However, a gill net not exceeding a length of  
26 90 yards is permitted.]~~

~~27 4-725.~~

~~28 In the waters of Talbot County, a person may set only the following types of nets  
29 in the areas and during the times prescribed:~~

~~30 (1) Any net, EXCEPT A GILL NET, at any time in the waters of the  
31 Chesapeake Bay bordering Talbot County;~~

~~(2) Any net, EXCEPT A GILL NET, at any time in the waters of the Choptank River southeast of a straight line drawn from Benoni's Point to Chlora's Point;~~

~~(3) [Gill nets and fyke] FYKE nets at any time in any of the waters of Talbot County; and~~

~~(4) Haul seines in Harris Creek southerly and downstream from a straight line drawn between Station Hawk on the west side and Indian Point on the east side if the mesh in all seines is in bar not less than one and one half inches.~~

~~4-728.~~

~~(e) (1) A person may not set an anchored gill net in the area of Chesapeake Bay bounded on the north by a line drawn from Turkey Point on the eastern shore to Sandy Point in Harford County, and on the south by a line drawn from Abbey Point to channel buoy Number 29, following the channel northward to buoy Number 1, off Grove Point, thence to Grove Point. This paragraph does not apply to the commercial fishing area within the Aberdeen Proving Grounds as specified by the Proving Ground.~~

~~(2) A person may not set or fish with any gill net within 1,200 feet of any pier that supports either span of the William Preston Lane, Jr. Memorial Bridge between May 1 and October 31, inclusive.~~

~~(3) A person may not set or fish with any gill net in the Chesapeake Bay, excluding its tributaries, south of a line drawn from Howell Point to Taylor Island Point in the upper bay to a line drawn from Kent Point to Curtis Point in the mouth of West River between June 1 and October 31, inclusive.]~~

~~4-730.~~

~~(a) A person may not set, nor construct any kind or description of net in the Patuxent River from Queen Anne Bridge to the mouth of the river, within 1,500 feet in every direction from any other net, without the permission of the owner of the other net. In addition, a person may not set, nor construct, any net more than 425 feet in length, including the net's leaders, hedges, or wings, below a straight line from Holland's Cliffs across the river to a point on the shore directly opposite Holland's Cliffs, or more than 150 feet in length including the net's leaders, hedges, or wings, above the straight line from Holland's Cliffs. The provisions of this subsection do not apply to [floating gill nets or] seines.~~

~~(b) A person may not set or haul any seine [or gill net] in any creek, cove or tributary of the Patuxent River if the mouth of the creek or tributary is less than 200 feet wide.~~

1 ~~[(c) A person may not set or haul any drifting gill net in the Patuxent River~~  
2 ~~south of the Patuxent River Bridge or in any creek, cove, or tributary of the river south~~  
3 ~~of the Patuxent River Bridge at any time.]~~

4 (a) The Department of Natural Resources shall establish a technical advisory  
5 group on the use of gill nets, including the effect of the use of gill nets on:

6 (1) the population of fish in State waters; and

7 (2) the enforcement of the State's fishery laws.

8 (b) The technical advisory group shall be composed of individuals, selected by  
9 the Secretary of Natural Resources, with experience and expertise in both sportfishing  
10 and commercial fishing, and shall include:

11 (1) two representatives of the Maryland Saltwater Sportfisherman's  
12 Association;

13 (2) two representatives of the Maryland Watermen's Association;

14 (3) at least one representative of the Chesapeake Bay Commercial  
15 Fishermen's Association;

16 (4) at least one representative from the Ocean City Commercial  
17 Fishermen's Association;

18 (5) at least one representative from the Chesapeake Bay Foundation;

19 (6) at least one representative from the Coastal Conservation  
20 Association of Maryland;

21 (7) at least one representative from the University of Maryland Center  
22 for Environmental Science;

23 (8) at least one representative from the Atlantic States Marine  
24 Fisheries Commission's Atlantic Striped Bass Technical Committee;

25 (9) at least one representative from the National Marine Fisheries  
26 Service;

27 (10) at least one representative from the Potomac River Fisheries  
28 Commission;

29 ~~(9)~~ (11) at least one representative of the Natural Resources Police;  
30 and

1                   ~~(4)~~ (12)           employees of the Fisheries Service in the Department of  
 2 Natural Resources.

3           (c)   The technical advisory group shall develop recommendations for the  
 4 regulation of the use of gill nets.

5           (d)   In conducting its work, the technical advisory group shall solicit and  
 6 obtain public input, including input from:

7                   (1)   individuals who work in the commercial fishing industry in the  
 8 State;

9                   (2)   individuals who engage in sportfishing in the State; and

10                  (3)   individuals with expertise in marine science.

11           (e)   On or before September 1, 2013, the technical advisory group shall  
 12 submit its recommendations to the Secretary of Natural Resources.

13           (f)   Based on the recommendations of the technical advisory group, the  
 14 Secretary of Natural Resources shall consider the adoption of regulations regarding  
 15 the use of gill nets for catching fish in State waters.

16           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 17 October 1, 2012. It shall remain effective for a period of 1 year and, at the end of  
 18 September 30, 2013, with no further action required by the General Assembly, this Act  
 19 shall be abrogated and of no further force and effect.

Approved:

---

Governor.

---

President of the Senate.

---

Speaker of the House of Delegates.